

## MEMORANDUM

Agenda Item No. 6(A)

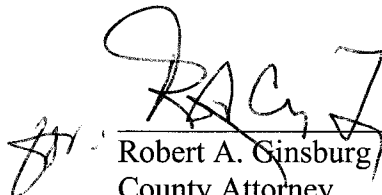
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**TO:** Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners      **DATE:** (Second Reading 4-27-04)  
February 17, 2004

**FROM:** Robert A. Ginsburg  
County Attorney      **SUBJECT:** Corrective amendments to  
Sections 2-8.3; 2-8.4 and  
2-11.1(t); Code of Miami-  
Dade County

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The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Rebeca Sosa.

  
Robert A. Ginsburg  
County Attorney


RAG/bw



## MEMORANDUM

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**TO:** Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners      **DATE:** April 27, 2004

**FROM:** George M. Burgess, County Manager       **SUBJECT:** Corrective amendments to Sections 2-8.3; 2-8.4 and 2-11.1(t); Code of Miami-Dade County

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This ordinance amending sections 2-8.2; 2-8.4 and 2-11.1(t) of the Miami-Dade County code will have no fiscal impact on Miami-Dade County.


Fiscal/001504



# MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D. DATE: April 27, 2004  
and Members, Board of County Commissioners

FROM:   
Robert A. Ginsburg  
County Attorney

SUBJECT: Agenda Item No. 6(A)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 6 (A)  
4-27-04

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING SECTIONS 2-8.3, 2-8.4 AND 2-11.1(t) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT A WRITTEN RECOMMENDATION FROM THE COUNTY MANAGER TO THE BOARD OF COUNTY COMMISSIONERS SHALL NOT BE REQUIRED ON CONTRACTS AND PURCHASES WHICH THE COUNTY MANAGER HAS THE DELEGATED AUTHORITY TO AWARD UNDER SECTION 2-8.1(b); PROVIDING THAT THE PROTEST PROCEDURES CONTAINED IN SECTION 2-8.4 SHALL NOT APPLY TO SUCH CONTRACTS AND PURCHASES; SPECIFYING THE ACTION WHICH TERMINATES THE CONE OF SILENCE IMPOSED DURING THE COMPETITIVE SELECTION PROCESS FOR SUCH CONTRACTS AND PURCHASES; AND PROVIDING SEVERABILITY, INCLUSION IN CODE AND EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS  
OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Sections 2-8.3 and 2-8.4 of the Code of Miami-Dade County, Florida, are amended as follows:<sup>1</sup>

**Sec. 2-8.3. Manager's recommendation.**

Whenever a competitive process is utilized for selection of a contractor, vendor, consultant, tenant or concessionaire, the County Manager shall review the responses to the solicitation and recommend to the County Commission award or other appropriate action. Such recommendation shall be in writing and shall be filed with the Clerk of the Board, with copies mailed to all participants in the competitive process, no later than ten (10) days prior to any Commission meeting at which such recommendation is scheduled to be presented. Those contracts covered by Section 2-8.2.7 for which no timely protest is filed, the County Manager's recommendation may be awarded by the County Manager in

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<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged

accordance with his recommendation. The Commission, by two-thirds (2/3) vote of the members present, may waive the requirements of this section. The foregoing notwithstanding, the requirements of this section shall not apply to contracts or purchases ~~[[involving the expenditure of five hundred thousand dollars (\$500,000.00) or less]]~~ >>which the County Manager has the delegated authority to award under Sec. 2-8.1(b) of this Code <<.

**Sec. 2-8.4. Protest procedures.**

This section shall govern any protest made by a participant in any competitive process utilized for selection of a person or other entity to construct any public improvement, to provide any supplies, materials or services (including professional or management services other than professional services whose acquisition procedure is governed by the Consultant's Competitive Negotiation Act, Section 287.055, F.S., et seq.), or to lease any county property.

The foregoing notwithstanding, the protest procedures contained in this section shall not apply to contracts and purchases ~~[[involving the expenditure of five hundred thousand dollars (\$500,000.00) or less]]~~ >>which the County Manager has the delegated authority to award under Sec. 2-8.1(b) of this Code <<, and protests thereon shall be governed by procedures established by administrative order approved by the Board of County Commissioners.

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**Sec. 2-11. 1. Conflict of Interest and Code of Ethics Ordinance.**

\* \* \*

(t) *Cone of Silence.*

1. Contracts for the provision of goods and service other than audit and independent private inspector general (IPSIG) contracts.

\* \* \*

(b) *Procedure.*

\* \* \*

- (ii) The Cone of Silence shall terminate at the time the Manager makes his or her written recommendation to the County Commission;

provided however, that if the Commission refers the Manager's recommendation back to the Manager or staff for further review, the Cone of Silence shall be reimposed until such time as the Manager makes a subsequent written recommendation. >>The foregoing notwithstanding, for contracts and purchases which the County Manager has the delegated authority to award under Sec. 2-8.1(b) of this Code, the Cone of Silence shall terminate: (i) at the time the award recommendation letter is issued and filed with the Clerk of the Board for such contracts and purchases involving the expenditure of over one hundred thousand dollars (\$100,000); (ii) at the time the written award recommendation is posted in accordance with Section III of A.O 3-21 for such contracts or purchases involving the expenditure of over \$25,000 up to \$100,000; or (iii) at the time the award recommendation is issued in accordance with Section IV of A.O. 3-21 for contracts and purchases involving the expenditure of \$25,000 or less.<<

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**Section 2.** If any section, subsection, sentence, clause of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby.

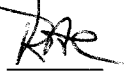
**Section 3.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," or "article," or other appropriate word.

**Section 4.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney  as  
to form and legal sufficiency.

Prepared by:



R. A. Cuevas, Jr.

Sponsored by Commissioner Rebeca Sosa